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9 OCEAN KING FISH, INC.

10 **UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 BRAND LITTLE, an individual and ROBIN
14 BURNS, an individual

15 Plaintiffs,

16 v.

17 PACIFIC SEAFOOD PROCUREMENT,
18 LLC, a limited liability company, et al.,

19 Defendants.

Case No. 3:23-CV-01098-AGT

**DEFENDANT OCEAN KING FISH INC.'S
ANSWER TO SECOND AMENDED
COMPLAINT**

The Honorable Alex G. Tse Presiding

1 Defendant Ocean King Fish Inc. (“Ocean King” or “Answering Defendant”) sets forth its
2 Answer and Defenses to Plaintiffs Brand Little’s and Robin Burn’s Second Amended Complaint
3 (“SAC”).

4 **ANSWER TO SECOND AMENDED COMPLAINT**

5 1. Ocean King admits that Brand Little is a commercial crab fisherman and that Robin
6 Burns was married to crabber Kenny Burns. Ocean King is without knowledge or information
7 sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 1 of the
8 SAC, and on this basis denies them.

9 2. Ocean King admits that the Dungeness crab fishery is an important fishery. Ocean
10 King is without knowledge or information sufficient to form a belief as to the truth of the remaining
11 allegations contained in Paragraph 2 of the SAC, and on this basis denies them.

12 3. Ocean King admits that “ex vessel” price is the price paid for Dungeness crab off the
13 boat. Ocean King denies the remaining allegations contained in Paragraph 3 of the FAC.

14 4. Ocean King denies the allegations contained in Paragraph 4 of the SAC.

15 5. Ocean King admits that it does not catch Dungeness crab. Ocean King is without
16 knowledge or information sufficient to form a belief as to the truth of the remaining allegations
17 contained in Paragraph 5 of the SAC, and on this basis denies them.

18 6. Ocean King denies the allegations contained in Paragraph 6 of the SAC.

19 7. Ocean King denies the allegations contained in Paragraph 7 of the SAC.

20 8. Ocean King denies the allegations contained in Paragraph 8 of the SAC.

21 9. Ocean King is without knowledge or information sufficient to form a belief as to the
22 truth about what forms the bases for Plaintiffs’ allegations, and accordingly denies the allegations
23 contained in Paragraph 9 of the SAC regarding these bases. Ocean King denies the remaining
24 allegations contained in Paragraph 9 of the SAC.

25 10. Ocean King states that the allegations in Paragraph 10 are legal conclusions to which
26 no response is necessary. To the extent an answer is required, Ocean King denies the allegations
27 contained in Paragraph 10 of the SAC.

28 11. Ocean King denies the allegations contained in Paragraph 11 of the SAC.

PARTIES

I. PLAINTIFFS

12. Ocean King admits that Plaintiff Little is an individual and a commercial fisherman. Ocean King denies the allegation contained in Paragraph 12 of the SAC that Plaintiff Little “caught and sold Dungeness crab ex vessel in the Pacific NW Area at ex vessel prices that were artificially depressed by Defendants’ unfair and illegal anticompetitive activities” to the extent the allegation purports to include any activities by Ocean King. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 12 of the SAC, and on this basis denies them.

13. Ocean King admits that Plaintiff Robin Burns is an individual and wife of the late Kenneth Burns, who was a fisherman. Ocean King denies the allegation contained in Paragraph 13 of the SAC that Kenneth Burns “caught and sold Dungeness crab ex vessel in the Pacific NW Area at ex vessel prices that were artificially depressed by Defendants’ unfair and illegal anticompetitive activities” to the extent the allegation purports to include any activities by Ocean King. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 13 of the SAC, and on this basis denies them.

II. DEFENDANTS

A. Pacific Seafood Defendants

14. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the SAC and on this basis denies the allegations.

15. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of the SAC and on this basis denies the allegations.

16. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the SAC and on this basis denies the allegations.

17. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of the SAC and on this basis denies the allegations.

18. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 of the SAC and on this basis denies the allegations.

1 19. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 19 of the SAC and on this basis denies the allegations.

3 20. Ocean King is without knowledge or information sufficient to form a belief as to the
4 truth of the allegations contained in Paragraph 20 of the SAC and on this basis denies the allegations.

5 21. Ocean King is without knowledge or information sufficient to form a belief as to the
6 truth of the allegations contained in Paragraph 21 of the SAC and on this basis denies the allegations.

7 22. Ocean King is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 22 of the SAC and on this basis denies the allegations.

9 23. Ocean King is without knowledge or information sufficient to form a belief as to the
10 truth of the allegations contained in Paragraph 23 of the SAC and on this basis denies the allegations.

11 24. Ocean King is without knowledge or information sufficient to form a belief as to the
12 truth of the allegations contained in Paragraph 24 of the SAC and on this basis denies the allegations.

13 25. Ocean King is without knowledge or information sufficient to form a belief as to the
14 truth of the allegations contained in Paragraph 25 of the SAC and on this basis denies the allegations.

15 26. Ocean King is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations contained in Paragraph 26 of the SAC and on this basis denies the allegations.

17 27. Ocean King states that the allegations in Paragraph 27 are legal conclusions to which
18 no response is necessary. To the extent a response is required, Ocean King states that it is without
19 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
20 Paragraph 27 of the SAC and on this basis denies the allegations.

21 28. Ocean King is without knowledge or information sufficient to form a belief as to the
22 truth of the allegations contained in Paragraph 28 of the SAC and on this basis denies the allegations.

23 29. Ocean King is without knowledge or information sufficient to form a belief as to the
24 truth of the allegations contained in Paragraph 29 of the SAC and on this basis denies the allegations.

25 30. Ocean King is without knowledge or information sufficient to form a belief as to the
26 truth of the allegations contained in Paragraph 30 of the SAC and on this basis denies the allegations.

27 31. Ocean King is without knowledge or information sufficient to form a belief as to the
28 truth of the allegations contained in Paragraph 31 of the SAC and on this basis denies the allegations.

1 32. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 32 of the SAC and on this basis denies the allegations.

3 33. Ocean King is without knowledge or information sufficient to form a belief as to the
4 truth of the allegations contained in Paragraph 33 of the SAC and on this basis denies the allegations.

5 34. Ocean King is without knowledge or information sufficient to form a belief as to the
6 truth of the allegations contained in Paragraph 34 of the SAC and on this basis denies the allegations.

7 35. Ocean King is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 35 of the SAC and on this basis denies the allegations.

9 36. Ocean King is without knowledge or information sufficient to form a belief as to the
10 truth of the allegations contained in Paragraph 36 of the SAC and on this basis denies the allegations.

11 37. Ocean King is without knowledge or information sufficient to form a belief as to the
12 truth of the allegations contained in Paragraph 37 of the SAC and on this basis denies the allegations.

13 38. Ocean King is without knowledge or information sufficient to form a belief as to the
14 truth of the allegations contained in Paragraph 38 of the SAC and on this basis denies the allegations.

15 39. Ocean King is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations contained in Paragraph 39 of the SAC and on this basis denies the allegations.

17 **B. Safe Coast Defendants**

18 40. Ocean King is without knowledge or information sufficient to form a belief as to the
19 truth of the allegations contained in Paragraph 40 of the SAC and on this basis denies the allegations.

20 41. Ocean King is without knowledge or information sufficient to form a belief as to the
21 truth of the allegations contained in Paragraph 41 of the SAC and on this basis denies the allegations.

22 42. Ocean King is without knowledge or information sufficient to form a belief as to the
23 truth of the allegations contained in Paragraph 42 of the SAC and on this basis denies the allegations.

24 43. Ocean King is without knowledge or information sufficient to form a belief as to the
25 truth of the allegations contained in Paragraph 43 of the SAC and on this basis denies the allegations.

26 44. Ocean King is without knowledge or information sufficient to form a belief as to the
27 truth of the allegations contained in Paragraph 44 of the SAC and on this basis denies the allegations.
28

1 45. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 45 of the SAC and on this basis denies the allegations.

3 46. Ocean King is without knowledge or information sufficient to form a belief as to the
4 truth of the allegations contained in Paragraph 46 of the SAC and on this basis denies the allegations.

5 47. Ocean King is without knowledge or information sufficient to form a belief as to the
6 truth of the allegations contained in Paragraph 47 of the SAC and on this basis denies the allegations.

7 48. Ocean King is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 48 of the SAC and on this basis denies the allegations.

9 49. Ocean King is without knowledge or information sufficient to form a belief as to the
10 truth of the allegations contained in Paragraph 49 of the SAC and on this basis denies the allegations.

11 50. Ocean King is without knowledge or information sufficient to form a belief as to the
12 truth of the allegations contained in Paragraph 50 of the SAC and on this basis denies the allegations.

13 51. Ocean King is without knowledge or information sufficient to form a belief as to the
14 truth of the allegations contained in Paragraph 51 of the SAC and on this basis denies the allegations.

15 52. Ocean King states that the allegations in Paragraph 52 are legal conclusions to which
16 no response is necessary. To the extent a response is required, Ocean King states that it is without
17 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
18 Paragraph 52 of the SAC and on this basis denies the allegations.

19 **C. Ocean Gold Defendant**

20 53. Ocean King is without knowledge or information sufficient to form a belief as to the
21 truth of the allegations contained in Paragraph 53 of the SAC and on this basis denies the allegations.

22 54. Ocean King is without knowledge or information sufficient to form a belief as to the
23 truth of the allegations contained in Paragraph 54 of the SAC and on this basis denies the allegations.

24 55. Ocean King is without knowledge or information sufficient to form a belief as to the
25 truth of the allegations contained in Paragraph 55 of the SAC and on this basis denies the allegations.

26 56. Ocean King is without knowledge or information sufficient to form a belief as to the
27 truth of the allegations contained in Paragraph 56 of the SAC and on this basis denies the allegations.
28

1 57. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 57 of the SAC and on this basis denies the allegations.

3 58. Ocean King states that the allegations in Paragraph 58 are legal conclusions to which
4 no response is necessary. To the extent a response is required, Ocean King states that it is without
5 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
6 Paragraph 58 of the SAC and on this basis denies the allegations.

7 **D. Nor-Cal Defendants**

8 59. Ocean King is without knowledge or information sufficient to form a belief as to the
9 truth of the allegations contained in Paragraph 59 of the SAC and on this basis denies the allegations.

10 60. Ocean King is without knowledge or information sufficient to form a belief as to the
11 truth of the allegations contained in Paragraph 60 of the SAC and on this basis denies the allegations.

12 61. Ocean King is without knowledge or information sufficient to form a belief as to the
13 truth of the allegations contained in Paragraph 61 of the SAC and on this basis denies the allegations.

14 62. Ocean King is without knowledge or information sufficient to form a belief as to the
15 truth of the allegations contained in Paragraph 62 of the SAC and on this basis denies the allegations.

16 63. Ocean King is without knowledge or information sufficient to form a belief as to the
17 truth of the allegations contained in Paragraph 63 of the SAC and on this basis denies the allegations.

18 64. Ocean King is without knowledge or information sufficient to form a belief as to the
19 truth of the allegations contained in Paragraph 64 of the SAC and on this basis denies the allegations.

20 65. Ocean King is without knowledge or information sufficient to form a belief as to the
21 truth of the allegations contained in Paragraph 65 of the SAC and on this basis denies the allegations.

22 66. Ocean King states that the allegations in Paragraph 66 are legal conclusions to which
23 no response is necessary. To the extent a response is required, Ocean King states that it is without
24 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
25 Paragraph 66 of the SAC and on this basis denies the allegations.

26 **E. ASE Defendant**

27 67. Ocean King is without knowledge or information sufficient to form a belief as to the
28 truth of the allegations contained in Paragraph 67 of the SAC and on this basis denies the allegations.

68. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 68 of the SAC and on this basis denies the allegations.

69. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 of the SAC and on this basis denies the allegations.

70. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 70 of the SAC and on this basis denies the allegations.

71. Ocean King states that the allegations in Paragraph 71 are legal conclusions to which no response is necessary. To the extent a response is required, Ocean King states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 71 of the SAC and on this basis denies the allegations.

F. Hallmark Defendants

72. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 72 of the SAC and on this basis denies the allegations.

73. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 73 of the SAC and on this basis denies the allegations.

74. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 74 of the SAC and on this basis denies the allegations.

75. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 75 of the SAC and on this basis denies the allegations.

76. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 76 of the SAC and on this basis denies the allegations.

77. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 77 of the SAC and on this basis denies the allegations.

78. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 78 of the SAC and on this basis denies the allegations.

79. Ocean King states that the allegations in Paragraph 79 are legal conclusions to which no response is necessary. To the extent a response is required, Ocean King states that it is without

1 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
2 Paragraph 79 of the SAC and on this basis denies the allegations.

3 **G. Fathom Defendants**

4 80. Ocean King is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained in Paragraph 80 of the SAC and on this basis denies the allegations.

6 81. Ocean King is without knowledge or information sufficient to form a belief as to the
7 truth of the allegations contained in Paragraph 81 of the SAC and on this basis denies the allegations.

8 82. Ocean King is without knowledge or information sufficient to form a belief as to the
9 truth of the allegations contained in Paragraph 82 of the SAC and on this basis denies the allegations.

10 83. Ocean King is without knowledge or information sufficient to form a belief as to the
11 truth of the allegations contained in Paragraph 83 of the SAC and on this basis denies the allegations.

12 84. Ocean King is without knowledge or information sufficient to form a belief as to the
13 truth of the allegations contained in Paragraph 84 of the SAC and on this basis denies the allegations.

14 85. Ocean King is without knowledge or information sufficient to form a belief as to the
15 truth of the allegations contained in Paragraph 85 of the SAC and on this basis denies the allegations.

16 86. Ocean King is without knowledge or information sufficient to form a belief as to the
17 truth of the allegations contained in Paragraph 86 of the SAC and on this basis denies the allegations.

18 87. Ocean King is without knowledge or information sufficient to form a belief as to the
19 truth of the allegations contained in Paragraph 87 of the SAC and on this basis denies the allegations.

20 88. Ocean King states that the allegations in Paragraph 88 are legal conclusions to which
21 no response is necessary. To the extent a response is required, Ocean King states that it is without
22 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
23 Paragraph 88 of the SAC and on this basis denies the allegations.

24 **H. Caito Defendants**

25 89. Ocean King is without knowledge or information sufficient to form a belief as to the
26 truth of the allegations contained in Paragraph 89 of the SAC and on this basis denies the allegations.

27 90. Ocean King is without knowledge or information sufficient to form a belief as to the
28 truth of the allegations contained in Paragraph 90 of the SAC and on this basis denies the allegations.

1 91. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 91 of the SAC and on this basis denies the allegations.

3 92. Ocean King is without knowledge or information sufficient to form a belief as to the
4 truth of the allegations contained in Paragraph 92 of the SAC and on this basis denies the allegations.

5 93. Ocean King is without knowledge or information sufficient to form a belief as to the
6 truth of the allegations contained in Paragraph 93 of the SAC and on this basis denies the allegations.

7 94. Ocean King is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 94 of the SAC and on this basis denies the allegations.

9 95. Ocean King is without knowledge or information sufficient to form a belief as to the
10 truth of the allegations contained in Paragraph 95 of the SAC and on this basis denies the allegations.

11 96. Ocean King states that the allegations in Paragraph 96 are legal conclusions to which
12 no response is necessary. To the extent a response is required, Ocean King states that it is without
13 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
14 Paragraph 96 of the SAC and on this basis denies the allegations.

15 **I. Fishermen's Catch Defendant**

16 97. Ocean King is without knowledge or information sufficient to form a belief as to the
17 truth of the allegations contained in Paragraph 97 of the SAC and on this basis denies the allegations.

18 98. Ocean King is without knowledge or information sufficient to form a belief as to the
19 truth of the allegations contained in Paragraph 98 of the SAC and on this basis denies the allegations.

20 99. Ocean King is without knowledge or information sufficient to form a belief as to the
21 truth of the allegations contained in Paragraph 99 of the SAC and on this basis denies the allegations.

22 100. Ocean King is without knowledge or information sufficient to form a belief as to the
23 truth of the allegations contained in Paragraph 100 of the SAC and on this basis denies the
24 allegations.

25 101. Ocean King states that the allegations in Paragraph 101 are legal conclusions to which
26 no response is necessary. To the extent an answer is required, Ocean King states that it is without
27 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
28 Paragraph 101 of the SAC and on this basis denies the allegations.

1 **J. Global Quality Defendants**

2 102. Ocean King is without knowledge or information sufficient to form a belief as to the
3 truth of the allegations contained in Paragraph 102 of the SAC and on this basis denies the
4 allegations.

5 103. Ocean King is without knowledge or information sufficient to form a belief as to the
6 truth of the allegations contained in Paragraph 103 of the SAC and on this basis denies the
7 allegations.

8 104. Ocean King is without knowledge or information sufficient to form a belief as to the
9 truth of the allegations contained in Paragraph 104 of the SAC and on this basis denies the
10 allegations.

11 105. Ocean King is without knowledge or information sufficient to form a belief as to the
12 truth of the allegations contained in Paragraph 105 of the SAC and on this basis denies the
13 allegations.

14 106. Ocean King is without knowledge or information sufficient to form a belief as to the
15 truth of the allegations contained in Paragraph 106 of the SAC and on this basis denies the
16 allegations.

17 107. Ocean King is without knowledge or information sufficient to form a belief as to the
18 truth of the allegations contained in Paragraph 107 of the SAC and on this basis denies the
19 allegations.

20 108. Ocean King states that the allegations in Paragraph 108 are legal conclusions to which
21 no response is necessary. To the extent an answer is required, Ocean King states that it is without
22 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
23 Paragraph 108 of the SAC and on this basis denies the allegations.

24 **K. Ocean King Defendant**

25 109. Ocean King admits the allegations contained in Paragraph 109 of the SAC.

26 110. Ocean King admits that it currently does business, and has in the past done business as
27 Ocean King, but otherwise denies the allegations contained in Paragraph 110 of the SAC.
28

1 111. Ocean King admits that George Lay is the President of Ocean King. Ocean King
2 denies the remaining allegations in Paragraph 111 of the SAC.

3 112. Ocean King admits that it has made ex vessel purchase of Dungeness crab in San
4 Francisco, Eureka, Morro Bay, Crescent City, Bodega Bay, Fort Bragg, Ventura, Alameda, Half
5 Moon Bay, and Berkeley, California. Ocean King denies the remaining allegations in Paragraph 112
6 of the SAC, including that any such purchases were from “class members.”

7 113. Ocean King states that the allegations in Paragraph 113 are legal conclusions to which
8 no response is necessary. To the extent an answer is required, Ocean King states that it is without
9 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
10 Paragraph 113 of the SAC and on this basis denies the allegations.

11 **L. Bornstein Defendants**

12 114. Ocean King is without knowledge or information sufficient to form a belief as to the
13 truth of the allegations contained in Paragraph 114 of the SAC and on this basis denies the
14 allegations.

15 115. Ocean King is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations contained in Paragraph 115 of the SAC and on this basis denies the
17 allegations.

18 116. Ocean King is without knowledge or information sufficient to form a belief as to the
19 truth of the allegations contained in Paragraph 116 of the SAC and on this basis denies the
20 allegations.

21 117. Ocean King is without knowledge or information sufficient to form a belief as to the
22 truth of the allegations contained in Paragraph 117 of the SAC and on this basis denies the
23 allegations.

24 118. Ocean King is without knowledge or information sufficient to form a belief as to the
25 truth of the allegations contained in Paragraph 118 of the SAC and on this basis denies the
26 allegations.

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1 119. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 119 of the SAC and on this basis denies the
3 allegations.

4 120. Ocean King states that the allegations in Paragraph 120 are legal conclusions to which
5 no response is necessary. To the extent an answer is required, Ocean King states that it is without
6 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
7 Paragraph 120 of the SAC and on this basis denies the allegations.

8 **M. Doe Defendants**

9 121. Ocean King states that the allegations in Paragraph 121 are legal conclusions to which
10 no response is necessary. To the extent an answer is required, Ocean King denies the allegations
11 contained in Paragraph 121 of the SAC.

12 **N. Agents and Co-Conspirators**

13 122. Ocean King is without knowledge or information sufficient to form a belief as to the
14 truth of the allegation contained in Paragraph 122 of the SAC that “[v]arious co-conspirators, some
15 known and some unknown, willingly participated in and acted in furtherance of the alleged
16 conspiracy” and on this basis denies the allegation. To the extent Paragraph 122 alleged that Ocean
17 King was one such co-conspirator, Ocean King denies the allegation contained in Paragraph 122 of
18 the SAC.

19 123. Ocean King denies the allegations contained in Paragraph 123 of the SAC.

20 124. Ocean King denies the allegations contained in Paragraph 124 of the SAC.

21 125. Ocean King denies the allegations contained in Paragraph 125 of the SAC.

22 126. Ocean King states that the allegations in Paragraph 126 are legal conclusions to which
23 no response is necessary. To the extent an answer is required, Ocean King denies the allegations
24 contained in Paragraph 126 of the SAC.

25 127. Ocean King states that the allegations in Paragraph 127 are legal conclusions to which
26 no response is necessary. To the extent an answer is required, Ocean King denies the allegations
27 contained in Paragraph 127 of the SAC.
28

1 128. Ocean King states that the allegations in Paragraph 128 are legal conclusions to which
2 no response is necessary. To the extent an answer is required, Ocean King denies the allegations
3 contained in Paragraph 128 of the SAC.

4 129. Ocean King denies the allegations contained in Paragraph 129 of the SAC.

5 130. Ocean King denies the allegations contained in Paragraph 130 of the SAC.

6 **JURISDICTION, VENUE, AND COMMERCE**

7 131. Ocean King states that the allegations in Paragraph 131 are legal conclusions to which
8 no response is necessary. To the extent a response is required, Ocean King admits that the Court
9 would have subject matter jurisdiction to the extent Plaintiffs had suffered an injury cognizable under
10 Article III of the United States Constitution.

11 132. Ocean King states that the allegations in Paragraph 132 are legal conclusions to which
12 no response is necessary. To the extent an answer is required, Ocean King admits that it has done
13 business in California, but Ocean King denies that it committed any illegal acts and denies that the
14 Plaintiffs have suffered an antitrust injury.

15 133. Ocean King states that the allegations in Paragraph 133 are legal conclusions to which
16 no response is necessary. To the extent an answer is required, Ocean King admits that it has done
17 business within the Northern District of California.

18 134. Ocean King denies the allegations contained in Paragraph 134 of the SAC.

19 135. Ocean King denies the allegations contained in Paragraph 135 of the SAC.

20 **INTRADISTRICT ASSIGNMENT**

21 136. Ocean King states that the allegations in Paragraph 136 are legal conclusions to which
22 no response is necessary. To the extent a response is required, Ocean King states that it is without
23 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
24 Paragraph 136 and on that basis denies them.

FACTUAL ALLEGATIONS**I. PACIFIC NW AREA EX VESSEL DUNGENESS CRAB INDUSTRY**

137. Ocean King admits that Dungeness crab is a species of shellfish and can be found in the Pacific Ocean. Ocean King further admits that Dungeness crab is fished for human consumption. Ocean King denies the remaining allegations contained in Paragraph 137 of the SAC.

138. Ocean King admits that Dungeness crab can be enjoyed fresh and is enjoyed fresh during holidays. Ocean King further admits that some Dungeness crab is exported live to other markets. Ocean King denies the remaining allegations contained in Paragraph 138 of the SAC.

139. Ocean King admits that commercial Dungeness crabbers require some type of license from their state and further admits that the Dungeness crab fishery in a “derby” fishery in which crabbers can catch as many crabs as possible. Ocean King denies the remaining allegations in Paragraph 139 of the SAC.

140. Ocean King admits that the season for Dungeness crab could start on the dates alleged in the areas alleged, unless delayed.

141. Ocean King denies the allegations contained in Paragraph 141 of the SAC.

142. Ocean King admits the allegations contained in Paragraph 142 of the SAC.

143. Ocean King admits the allegations contained in Paragraph 143 of the SAC.

144. Ocean King admits the allegation contained in Paragraph 144 that it resells live Dungeness crab. Ocean King further admits that fresh crab, frozen crab, and canned crab occupy different market segments. Ocean King denies the remaining allegations contained in Paragraph 144 of the SAC.

145. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 145 of the SAC and on this basis denies the allegations.

146. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 146 of the SAC and on this basis denies the allegations.

1 147. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 147 of the SAC and on this basis denies the
3 allegations.

4 148. Ocean King is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained in Paragraph 148 of the SAC and on this basis denies the
6 allegations.

7 149. Ocean King denies the allegations contained in Paragraph 149 of the SAC.

8 150. Ocean King denies the allegations contained in Paragraph 150 of the SAC.

9 151. Ocean King denies the allegations contained in Paragraph 151 of the SAC.

10 **II. DEFENDANTS' PRICE-FIXING CARTEL**

11 **A. Defendants' Cartel**

12 152. Ocean King is without knowledge or information sufficient to form a belief as to the
13 truth of the allegations contained in Paragraph 152 of the SAC and on this basis denies the
14 allegations.

15 153. Ocean King is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations contained in Paragraph 153 of the SAC and on this basis denies the
17 allegations.

18 154. Ocean King is without knowledge or information sufficient to form a belief as to the
19 truth of the allegations contained in Paragraph 154 of the SAC and on this basis denies the
20 allegations.

21 155. Ocean King denies the allegations contained in Paragraph 155 of the SAC that it
22 purchased Dungeness crab to sell live in China or other foreign countries. Ocean King is without
23 knowledge or information sufficient to form a belief as to the truth of the remaining allegations
24 contained in Paragraph 155 of the SAC and on this basis denies the allegations.

25 156. Ocean King denies the allegations contained in Paragraph 156 of the SAC.

26 157. Ocean King is without knowledge or information sufficient to form a belief as to the
27 truth of the allegations contained in Paragraph 157 of the SAC and on this basis denies the
28 allegations.

1 158. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 158 of the SAC and on this basis denies the
3 allegations.

4 159. Ocean King denies the allegations contained in Paragraph 159 of the SAC.

5 160. Ocean King admits the allegation contained in Paragraph 160 that ex vessel purchasers
6 of Dungeness crab sometimes pay hoist operators to offload crab. Ocean King denies the remaining
7 allegations contained in Paragraph 160 of the SAC.

8 161. Ocean King admits the allegation contained in Paragraph 161 that hoist operators may
9 have been paid based on the weight of the crab offloaded. Ocean King is without knowledge or
10 information sufficient to form a belief as to the truth of the remaining allegations contained in
11 Paragraph 161 of the SAC and on this basis denies the allegations.

12 162. Ocean King admits that what a crabber was paid for a load of crab could become
13 widely known and that this information could be used in future negotiations between crabbers and
14 buyers. Ocean King denies the remaining allegations contained in Paragraph 162 of the SAC.

15 163. Ocean King is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations contained in Paragraph 163 of the SAC and on this basis denies the
17 allegations.

18 164. Ocean King denies the allegations contained in Paragraph 164 of the SAC.

19 165. Ocean King denies the allegations contained in Paragraph 165 of the SAC.

20 166. Ocean King denies the allegations contained in Paragraph 166 of the SAC.

21 167. Ocean King is without knowledge or information sufficient to form a belief as to the
22 truth of the allegations contained in Paragraph 167 of the SAC at this time and on this basis denies
23 the allegations.

24 168. Ocean King denies that the ex vessel prices it offered changed as a result of “Lay’s
25 discussions with Nor-Cal’s Lee and ASE’s Zheng” and denies that those discussions occurred. Ocean
26 King is without knowledge or information sufficient to form a belief as to the truth of the remaining
27 allegations contained in Paragraph 168 of the SAC and on this basis denies the allegations.
28

169. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 169 of the SAC and on this basis denies the allegations.

170. Ocean King denies the allegation contained in Paragraph 170 of the SAC that Ocean King had the referenced discussion(s) with Nor-Cal's Lee and ASE's Zheng. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 170 of the SAC and on this basis denies the allegations.

171. Ocean King denies the allegation contained in Paragraph 171 of the SAC that it agreed to artificially depress ex vessel prices in the Pacific NW Area. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 171 of the SAC and on this basis denies the allegations.

172. Ocean King denies the allegation contained in Paragraph 172 of the SAC that it had "control and manipulation" of the ex vessel market in the Pacific NW Area. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 172 of the SAC and on this basis denies the allegations.

B. Defendants Have Agreed To Allow Pacific Seafood To Set The Opening Price, Which Has Resulted In Delayed Opening And A Lower Opening Price, Which Is The Price At Which A Large Portion Of The Season's Catch Is Traditionally Sole And Which Sets The Baseline Price For The Remainder Of The Season

173. Ocean King denies the allegations contained in Paragraph 173 of the SAC.

174. Ocean King denies the allegations contained in Paragraph 174 of the SAC.

175. Ocean King denies the allegations contained in Paragraph 175 of the SAC.

176. Ocean King denies the allegations contained in Paragraph 176 of the SAC.

177. Ocean King denies the allegations contained in Paragraph 177 of the SAC.

1. 2019/20 Pacific NW Area Dungeness Crab Season

178. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 178 of the SAC and on this basis denies the allegations.

1 179. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 179 of the SAC and on this basis denies the
3 allegations.

4 180. Ocean King is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained in Paragraph 180 of the SAC and on this basis denies the
6 allegations.

7 181. Ocean King is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 181 of the SAC and on this basis denies the
9 allegations.

10 182. Ocean King is without knowledge or information sufficient to form a belief as to the
11 truth of the allegations contained in Paragraph 182 of the SAC and on this basis denies the
12 allegations.

13 183. Ocean King denies the allegations contained in Paragraph 183 of the SAC.

14 2. 2020/21 Pacific NW Area Dungeness Crab Season

15 184. Ocean King denies the allegations contained in Paragraph 184 of the SAC.

16 185. Ocean King admits the allegation in Paragraph 185 of the SAC that George Lay and
17 Andrew Bornstein sent a series of text messages between January 8, 2021 and January 15, 2021, but
18 Ocean King denies that those texts were about “the price fixing arrangement amongst cartel
19 members” and denies that the two “coordinated their response to demands by crabbers for higher ex
20 vessel prices.”

21 186. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
22 January 2021, but states that the text messages speak for themselves and denies the SAC’s
23 characterization of the conversation.

24 187. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
25 January 2021, but states that the text messages speak for themselves and denies the SAC’s
26 characterization of the conversation.
27
28

188. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in January 2021, but states that the text messages speak for themselves and denies the SAC's characterization of the conversation.

189. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in January 2021, but states that the text messages speak for themselves and denies the SAC's characterization of the conversation.

190. Ocean King denies the allegations contained in Paragraph 190 of the SAC.

191. Ocean King denies the allegations contained in Paragraph 191 of the SAC.

192. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 192 of the SAC and on this basis denies the allegations.

3. 2021/22 Pacific NW Area Dungeness Crab Season

193. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 193 of the SAC and on this basis denies the allegations.

194. Ocean King denies the allegation contained in Paragraph 194 of the SAC that it "got in line with Pacific Seafood on opening price." Ocean King is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 194 of the SAC and on this basis denies the allegations.

195. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 195 of the SAC and on this basis denies the allegations.

196. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 196 of the SAC and on this basis denies the allegations.

197. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 197 of the SAC and on this basis denies the allegations.

4. 2022/23 Pacific NW Area Dungeness Crab Season

198. Ocean King denies the allegations contained in Paragraph 198 of the SAC.

199. Ocean King denies the allegations contained in Paragraph 199 of the SAC.

200. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 200 of the SAC and on this basis denies the allegations.

201. Ocean King denies the allegations contained in Paragraph 201 of the SAC.

202. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 202 of the SAC and on this basis denies the allegations.

203. Ocean King denies the allegation contained in Paragraph 203 of the SAC that there was a conspiracy. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 203 of the SAC and on this basis denies the allegations.

204. Ocean King denies the allegation contained in Paragraph 204 that Defendants “refus[ed] to offer an opening price to crabbers in the Pacific NW Area.” Ocean King is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 204 of the SAC and on this basis denies the allegations.

205. Ocean King denies the allegations contained in Paragraph 205 of the SAC.

206. Ocean King admits that the California Department of Fish and Wildlife announced that Dungeness crab season for California ports would open on December 31, 2022. Ocean King denies the remaining allegations contained in Paragraph 206 of the SAC.

207. Ocean King denies that the allegations in the first sentence of Paragraph 207. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 207 of the SAC and on this basis denies the allegations.

208. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 208 of the SAC and on this basis denies the allegations.

1 209. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 209 of the SAC and on this basis denies the
3 allegations.

4 210. Ocean King is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained in Paragraph 210 of the SAC and on this basis denies the
6 allegations.

7 211. Ocean King denies the allegation in Paragraph 211 of the SAC that there were cartel
8 members or a price-fixing agreement. Ocean King is without knowledge or information sufficient to
9 form a belief as to the truth of the remaining allegations contained in Paragraph 211 of the SAC and
10 on this basis denies the allegations.

11 212. Ocean King denies the allegation in Paragraph 212 of the SAC to the extent it alleges
12 the existence of a cartel or fixed prices. Ocean King is without knowledge or information sufficient to
13 form a belief as to the truth of the remaining allegations contained in Paragraph 212 of the SAC and
14 on this basis denies the allegations.

15 213. Ocean King is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations contained in Paragraph 213 of the SAC and on this basis denies the
17 allegations.

18 214. Ocean King is without knowledge or information sufficient to form a belief as to the
19 truth of the allegations contained in Paragraph 214 of the SAC and on this basis denies the
20 allegations.

21 215. Ocean King is without knowledge or information sufficient to form a belief as to the
22 truth of the allegations contained in Paragraph 215 of the SAC and on this basis denies the
23 allegations.

24 216. Ocean King is without knowledge or information sufficient to form a belief as to the
25 truth of the allegations contained in Paragraph 216 of the SAC and on this basis denies the
26 allegations.

1 217. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 217 of the SAC and on this basis denies the
3 allegations.

4 218. Ocean King is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained in Paragraph 218 of the SAC and on this basis denies the
6 allegations.

7 219. Ocean King is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 219 of the SAC and on this basis denies the
9 allegations.

10 220. Ocean King denies the allegation in Paragraph 220 of the SAC that it was “insisting
11 that crabbers in the northern portion of the Pacific NW Area accept Pacific Seafood’s offer of
12 \$2.25/lb. ex vessel” and denies the allegations in Paragraph 220 to the extent they allege the existence
13 of a cartel. Ocean King is without knowledge or information sufficient to form a belief as to the truth
14 of the remaining allegations contained in Paragraph 220 of the SAC and on this basis denies the
15 allegations.

16 221. Ocean King denies the allegation in Paragraph 221 of the SAC that it had made any
17 pricing dictates and denies the allegations in Paragraph 221 to the extent they allege the existence of a
18 cartel. Ocean King is without knowledge or information sufficient to form a belief as to the truth of
19 the remaining allegations contained in Paragraph 221 of the SAC and on this basis denies the
20 allegations.

21 222. Ocean King is without knowledge or information sufficient to form a belief as to the
22 truth of the allegations contained in Paragraph 222 of the SAC and on this basis denies the
23 allegations.

24 223. Ocean King is without knowledge or information sufficient to form a belief as to the
25 truth of the allegations contained in Paragraph 223 of the SAC and on this basis denies the
26 allegations.

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1 224. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 224 of the SAC and on this basis denies the
3 allegations.

4 225. Ocean King is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained in Paragraph 225 of the SAC and on this basis denies the
6 allegations.

7 226. Ocean King is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 226 of the SAC and on this basis denies the
9 allegations.

10 227. Ocean King is without knowledge or information sufficient to form a belief as to the
11 truth of the allegations contained in Paragraph 227 of the SAC and on this basis denies the
12 allegations.

13 228. Ocean King is without knowledge or information sufficient to form a belief as to the
14 truth of the allegations contained in Paragraph 228 of the SAC and on this basis denies the
15 allegations.

16 229. Ocean King is without knowledge or information sufficient to form a belief as to the
17 truth of the allegations contained in Paragraph 229 of the SAC and on this basis denies the
18 allegations.

19 **C. After The Opening, Defendants Closely Coordinate With One Another On Ex**
20 **Vessel Prices**

21 230. Ocean King denies the allegations contained in Paragraph 230 of the SAC.

22 231. Ocean King denies the allegations contained in Paragraph 231 of the SAC.

23 232. Ocean King denies the allegations contained in Paragraph 232 of the SAC.

24 233. Ocean King denies the allegations contained in Paragraph 233 of the SAC.

25 234. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
26 January 2021, but states that the text messages speak for themselves and denies the SAC's
27 characterization of the conversation.
28

1 235. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
2 January 2021, but states that the text messages speak for themselves and denies the SAC's
3 characterization of the conversation.

4 236. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
5 January 2021, but states that the text messages speak for themselves and denies the SAC's
6 characterization of the conversation.

7 237. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
8 January 2021, but states that the text messages speak for themselves and denies the SAC's
9 characterization of the conversation.

10 238. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
11 January 2021, but states that the text messages speak for themselves and denies the SAC's
12 characterization of the conversation.

13 239. Ocean King denies the allegation contained in Paragraph 239 of the SAC that Mr. Lay
14 and Mr. Bornstein had a "stated agreement to not pay more than \$5/lb. ex vessel." Ocean King is
15 without knowledge or information sufficient to form a belief as to the truth of the remaining
16 allegations contained in Paragraph 239 of the SAC and on this basis denies the allegations.

17 240. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
18 January 2024, but states that the text messages speak for themselves and denies the SAC's
19 characterization of the conversation.

20 241. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
21 January 2024, but states that the text messages speak for themselves and denies the SAC's
22 characterization of the conversation.

23 242. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
24 January 2024, but states that the text messages speak for themselves and denies the SAC's
25 characterization of the conversation.

26 243. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
27 January 2024, but states that the text messages speak for themselves and denies the SAC's
28 characterization of the conversation.

1 244. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
2 January 2024, but states that the text messages speak for themselves and denies the SAC's
3 characterization of the conversation.

4 245. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
5 January 2024, but states that the text messages speak for themselves and denies the SAC's
6 characterization of the conversation.

7 246. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
8 January 2024, but states that the text messages speak for themselves and denies the SAC's
9 characterization of the conversation.

10 247. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
11 January 2024, but states that the text messages speak for themselves and denies the SAC's
12 characterization of the conversation.

13 248. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
14 January 2024, but states that the text messages speak for themselves and denies the SAC's
15 characterization of the conversation.

16 249. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
17 March 2024, but states that the text messages speak for themselves and denies the SAC's
18 characterization of the conversation.

19 250. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
20 March 2024, but states that the text messages speak for themselves and denies the SAC's
21 characterization of the conversation.

22 251. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
23 March 2024, but states that the text messages speak for themselves and denies the SAC's
24 characterization of the conversation.

25 252. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
26 March 2024, but states that the text messages speak for themselves and denies the SAC's
27 characterization of the conversation, and in particular Ocean King denies that Mr. Lay's use of a
28 thumbs up emoji constituted an agreement to fix price.

1 253. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
2 March 2024, but states that the text messages speak for themselves and denies the SAC's
3 characterization of the conversation.

4 254. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
5 March 2024, but states that the text messages speak for themselves and denies the SAC's
6 characterization of the conversation.

7 255. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
8 March 2024, but states that the text messages speak for themselves and denies the SAC's
9 characterization of the conversation.

10 256. Ocean King admits that Mr. Lay had a text conversation with Andrew Bornstein in
11 March 2024, but states that the text messages speak for themselves and denies the SAC's
12 characterization of the conversation.

13 257. Ocean King denies the allegations contained in Paragraph 257 of the SAC.

14 258. Ocean King denies the allegations contained in Paragraph 258 of the SAC.

15 259. Ocean King is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations contained in Paragraph 259 of the SAC and on this basis denies the
17 allegations.

18 **D. Defendants Have Consolidated Their Control Of The Pacific NW Area Ex Vessel**
19 **Dungeness Crab Market By Purchasing And In Many Cases Shutting Down**
20 **Erstwhile Competitors, Entering Into Exclusivity Arrangements With Port**
21 **Operators, And Limiting Non-Cartel Members' Access To Hoists**

22 1. Pacific Seafood

23 260. Ocean King is without knowledge or information sufficient to form a belief as to the
24 truth of the allegations contained in Paragraph 260 of the SAC and on this basis denies the
25 allegations.

26 261. Ocean King is without knowledge or information sufficient to form a belief as to the
27 truth of the allegations contained in Paragraph 261 of the SAC and on this basis denies the
28 allegations.

1 262. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 262 of the SAC and on this basis denies the
3 allegations.

4 263. Ocean King is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained in Paragraph 263 of the SAC and on this basis denies the
6 allegations.

7 264. Ocean King is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 264 of the SAC and on this basis denies the
9 allegations.

10 265. Ocean King is without knowledge or information sufficient to form a belief as to the
11 truth of the allegations contained in Paragraph 265 of the SAC and on this basis denies the
12 allegations.

13 266. Ocean King is without knowledge or information sufficient to form a belief as to the
14 truth of the allegations contained in Paragraph 266 of the SAC and on this basis denies the
15 allegations.

16 267. Ocean King is without knowledge or information sufficient to form a belief as to the
17 truth of the allegations contained in Paragraph 267 of the SAC and on this basis denies the
18 allegations.

19 268. Ocean King is without knowledge or information sufficient to form a belief as to the
20 truth of the allegations contained in Paragraph 268 of the SAC and on this basis denies the
21 allegations.

22 269. Ocean King is without knowledge or information sufficient to form a belief as to the
23 truth of the allegations contained in Paragraph 269 of the SAC and on this basis denies the
24 allegations.

25 270. Ocean King is without knowledge or information sufficient to form a belief as to the
26 truth of the allegations contained in Paragraph 270 of the SAC and on this basis denies the
27 allegations.
28

1 271. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 271 of the SAC and on this basis denies the
3 allegations.

4 272. Ocean King is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained in Paragraph 272 of the SAC and on this basis denies the
6 allegations.

7 273. Ocean King is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 273 of the SAC and on this basis denies the
9 allegations.

10 2. Ilwaco Landing Fishermen

11 274. Ocean King is without knowledge or information sufficient to form a belief as to the
12 truth of the allegations contained in Paragraph 274 of the SAC and on this basis denies the
13 allegations.

14 275. Ocean King is without knowledge or information sufficient to form a belief as to the
15 truth of the allegations contained in Paragraph 275 of the SAC and on this basis denies the
16 allegations.

17 276. Ocean King is without knowledge or information sufficient to form a belief as to the
18 truth of the allegations contained in Paragraph 276 of the SAC and on this basis denies the
19 allegations.

20 277. Ocean King is without knowledge or information sufficient to form a belief as to the
21 truth of the allegations contained in Paragraph 277 of the SAC and on this basis denies the
22 allegations.

23 3. Trinidad

24 278. Ocean King is without knowledge or information sufficient to form a belief as to the
25 truth of the allegations contained in Paragraph 278 of the SAC and on this basis denies the
26 allegations.

1 279. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 279 of the SAC and on this basis denies the
3 allegations.

4 280. Ocean King is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained in Paragraph 280 of the SAC and on this basis denies the
6 allegations.

7 281. Ocean King is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 281 of the SAC and on this basis denies the
9 allegations.

10 4. Eureka

11 282. Ocean King admits the allegation contained in Paragraph 282 of the SAC that it has
12 used the services of Humboldt Seafood Unloaders in the past. Ocean King is without knowledge or
13 information sufficient to form a belief as to the truth of the remaining allegations contained in
14 Paragraph 282 of the SAC and on this basis denies the allegations.

15 283. Ocean King is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations contained in Paragraph 283 of the SAC and on this basis denies the
17 allegations.

18 284. Ocean King is without knowledge or information sufficient to form a belief as to the
19 truth of the allegations contained in Paragraph 284 of the SAC and on this basis denies the
20 allegations.

21 285. Ocean King is without knowledge or information sufficient to form a belief as to the
22 truth of the allegations contained in Paragraph 285 of the SAC and on this basis denies the
23 allegations.

24 286. Ocean King is without knowledge or information sufficient to form a belief as to the
25 truth of the allegations contained in Paragraph 286 of the SAC and on this basis denies the
26 allegations.

E. **To Eliminate Price Pressure Formerly Created By Out Of Port Buyers, Defendants Have Agreed To Buy And Sell “Out The Back Door”**

287. Ocean King denies the allegations contained in Paragraph 287 of the SAC.

288. Ocean King denies the allegations contained in Paragraph 288 of the SAC.

1. South Bend

289. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 289 of the SAC and on this basis denies the allegations.

290. Ocean King admits the allegation contained in Paragraph 290 of the SAC that it has paid South Bend to unload crab, but Ocean King denies the allegation that it has purchased crab from South Bend. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 290 of the SAC and on this basis denies the allegations.

2. Caito

291. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 291 of the SAC and on this basis denies the allegations.

292. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 292 of the SAC and on this basis denies the allegations.

293. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 293 of the SAC and on this basis denies the allegations.

3. San Francisco

294. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 294 of the SAC and on this basis denies the allegations.

295. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 295 of the SAC and on this basis denies the allegations.

4. Crescent City

296. Ocean King denies the allegations contained in Paragraph 296 of the SAC insofar as it presumes the existence of a cartel or the coordination/control of ex vessel prices. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 296 of the SAC and on this basis denies the allegations.

297. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 297 of the SAC and on this basis denies the allegations.

298. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 298 of the SAC and on this basis denies the allegations.

299. Ocean King denies the allegations contained in Paragraph 299 of the SAC insofar as it presumes the existence of a cartel. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 299 of the SAC and on this basis denies the allegations.

F. Defendants Aggressively Coerce Compliance By Each Other By [Sic] And By Other Buyers With The Agreed Upon Pricing

1. During The 2022/23 And 2023/24 Seasons, A New Buyer Sought To Capture Market Share By Offering Higher Prices; Defendants Sought To Bring Him Into The Cartel And When They Failed Inflicted Repeated Punishments

300. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 300 of the SAC and on this basis denies the allegations.

301. Ocean King denies the allegations contained in Paragraph 301 of the SAC.

1 *a. January 2023; Nor-Cal's Kevin Lee And Pacific Seafood's Frank Dulcich*
 2 *Solicited Confidential Buyer Informant #1 To Participate In Cartel, Then*
 3 *Punished Him When He Refused*

4 302. Ocean King is without knowledge or information sufficient to form a belief as to the
 5 truth of the allegations contained in Paragraph 302 of the SAC and on this basis denies the
 6 allegations.

7 303. Ocean King is without knowledge or information sufficient to form a belief as to the
 8 truth of the allegations contained in Paragraph 303 of the SAC and on this basis denies the
 9 allegations.

10 304. Ocean King is without knowledge or information sufficient to form a belief as to the
 11 truth of the allegations contained in Paragraph 304 of the SAC and on this basis denies the
 12 allegations.

13 305. Ocean King is without knowledge or information sufficient to form a belief as to the
 14 truth of the allegations contained in Paragraph 305 of the SAC and on this basis denies the
 15 allegations.

16 306. Ocean King denies the allegations contained in Paragraph 306 of the SAC insofar as it
 17 presumes the existence of a cartel. Ocean King is without knowledge or information sufficient to
 18 form a belief as to the truth of the remaining allegations contained in Paragraph 306 of the SAC and
 19 on this basis denies the allegations.

20 *b. In Early 2023, Safe Coast's Max Boland Tried To Get Confidential Buyer*
 21 *Informant To Toe The Cartel's Line On Ex Vessel Prices Set By Pacific*
 22 *Seafood*

23 307. Ocean King is without knowledge or information sufficient to form a belief as to the
 24 truth of the allegations contained in Paragraph 307 of the SAC and on this basis denies the
 25 allegations.

26 308. Ocean King is without knowledge or information sufficient to form a belief as to the
 27 truth of the allegations contained in Paragraph 308 of the SAC and on this basis denies the
 28 allegations.

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c. February/March 2023: In Response To Confidential Buyer Informant #1's Publicized Offer Of A Higher Ex Vessel Price, Multiple Cartel Members Told Confidential Buyer Informant #1 To Lower His Ex Vessel Price

309. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 309 of the SAC and on this basis denies the allegations.

310. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 310 of the SAC and on this basis denies the allegations.

311. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 311 of the SAC and on this basis denies the allegations.

d. April/May 2023: More Cartel Members Tell Confidential Buyer Informant To Lower His Ex Vessel Price

312. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 312 of the SAC and on this basis denies the allegations.

313. Ocean King denies the allegations contained in Paragraph 313 of the SAC insofar as it presumes the existence of a cartel. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 313 of the SAC and on this basis denies the allegations.

e. July/August 2023: Pacific Seafood Interfere In Confidential Informant's Effort To Establish A Buyer Operation In Eureka

314. Ocean King denies the allegations contained in Paragraph 314 of the SAC insofar as it presumes the existence of a cartel. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 314 of the SAC and on this basis denies the allegations.

1 315. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 315 of the SAC and on this basis denies the
3 allegations.

4 316. Ocean King is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained in Paragraph 316 of the SAC and on this basis denies the
6 allegations.

7 317. Ocean King is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 317 of the SAC and on this basis denies the
9 allegations.

10 *f. August 2023: Bornstein's Andrew Bornstein And Mike Shirley Offer*
11 *Confidential Buyer Informant Significant Benefits If He Joins The Cartel In*
12 *The Up Coming [Sic] Season*

13 318. Ocean King is without knowledge or information sufficient to form a belief as to the
14 truth of the allegations contained in Paragraph 318 of the SAC and on this basis denies the
15 allegations.

16 319. Ocean King denies the allegations contained in Paragraph 319 of the SAC.

17 320. Ocean King is without knowledge or information sufficient to form a belief as to the
18 truth of the allegations contained in Paragraph 320 of the SAC and on this basis denies the
19 allegations.

20 *g. Early/Mid-December 2023: Pacific Seafood's Brett Hester Threatened*
21 *Confidential Buyer Informant #1 After He Did Not Comply With Pacific*
22 *Seafood's Opening Price Instruction*

23 321. Ocean King is without knowledge or information sufficient to form a belief as to the
24 truth of the allegations contained in Paragraph 321 of the SAC and on this basis denies the
25 allegations.

26 322. Ocean King is without knowledge or information sufficient to form a belief as to the
27 truth of the allegations contained in Paragraph 322 of the SAC and on this basis denies the
28 allegations.

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1 323. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 323 of the SAC and on this basis denies the
3 allegations.

4 *h. Late December 2023: Nor-Cal's Kevin Lee Again Sought To Bring*
5 *Confidential Buyer Informant #1 Into The Cartel*

6 324. Ocean King is without knowledge or information sufficient to form a belief as to the
7 truth of the allegations contained in Paragraph 324 of the SAC and on this basis denies the
8 allegations.

9 325. Ocean King is without knowledge or information sufficient to form a belief as to the
10 truth of the allegations contained in Paragraph 325 of the SAC and on this basis denies the
11 allegations.

12 326. Ocean King is without knowledge or information sufficient to form a belief as to the
13 truth of the allegations contained in Paragraph 326 of the SAC and on this basis denies the
14 allegations.

15 327. Ocean King is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations contained in Paragraph 327 of the SAC and on this basis denies the
17 allegations.

18 *i. December 2023/January 2024: Pacific Seafood Instructs Other Defendants*
19 *Not to Do Business With Confidential Buyer Informant #1*

20 328. Ocean King denies the allegations contained in Paragraph 328 of the SAC insofar as it
21 alleges that a cartel was dictating prices. Ocean King is without knowledge or information sufficient
22 to form a belief as to the truth of the remaining allegations contained in Paragraph 328 of the SAC
23 and on this basis denies the allegations.

24 329. Ocean King is without knowledge or information sufficient to form a belief as to the
25 truth of the allegations contained in Paragraph 329 of the SAC and on this basis denies the
26 allegations.
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1 330. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 330 of the SAC and on this basis denies the
3 allegations.

4 *j. Early-January 2024: Confidential Buyer Informant #1 Is Threatened By*
5 *Cartel Members For Raising Ex Vessel Prices And Has Business Deals*
6 *Interfered With As Punishment*

7 331. Ocean King is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 331 of the SAC and on this basis denies the
9 allegations.

10 332. Ocean King is without knowledge or information sufficient to form a belief as to the
11 truth of the allegations contained in Paragraph 332 of the SAC and on this basis denies the
12 allegations.

13 333. Ocean King is without knowledge or information sufficient to form a belief as to the
14 truth of the allegations contained in Paragraph 333 of the SAC and on this basis denies the
15 allegations.

16 334. Ocean King is without knowledge or information sufficient to form a belief as to the
17 truth of the allegations contained in Paragraph 334 of the SAC and on this basis denies the
18 allegations.

19 335. Ocean King denies the allegations contained in Paragraph 335 of the SAC insofar as it
20 alleges that it agreed to artificially low ex vessel prices. Ocean King is without knowledge or
21 information sufficient to form a belief as to the truth of the remaining allegations contained in
22 Paragraph 335 of the SAC and on this basis denies the allegations.

23 336. Ocean King is without knowledge or information sufficient to form a belief as to the
24 truth of the allegations contained in Paragraph 336 of the SAC and on this basis denies the
25 allegations.

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k. January 2024: Defendants Take A Series Of Actions In Charleston, OR To Punish Buyer Informant #1 And Drive Him Out Of Port

337. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 337 of the SAC and on this basis denies the allegations.

338. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 338 of the SAC and on this basis denies the allegations.

339. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 339 of the SAC and on this basis denies the allegations.

340. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 340 of the SAC and on this basis denies the allegations.

341. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 341 of the SAC and on this basis denies the allegations.

342. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 342 of the SAC and on this basis denies the allegations.

343. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 343 of the SAC and on this basis denies the allegations.

344. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 344 of the SAC and on this basis denies the allegations.

1 345. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 345 of the SAC and on this basis denies the
3 allegations.

4 346. Ocean King is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained in Paragraph 346 of the SAC and on this basis denies the
6 allegations.

7 347. Ocean King is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 347 of the SAC and on this basis denies the
9 allegations.

10 348. Ocean King is without knowledge or information sufficient to form a belief as to the
11 truth of the allegations contained in Paragraph 348 of the SAC and on this basis denies the
12 allegations.

13 349. Ocean King is without knowledge or information sufficient to form a belief as to the
14 truth of the allegations contained in Paragraph 349 of the SAC and on this basis denies the
15 allegations.

16 350. Ocean King is without knowledge or information sufficient to form a belief as to the
17 truth of the allegations contained in Paragraph 350 of the SAC and on this basis denies the
18 allegations.

19 *1. Mid/Late-January 2024: Representative Of Defendants And Other Co-*
20 *Conspirators Met At San Francisco's Pier 45 And Devised A Plan To Run*
 Confidential Buyer Informant #1 Out Of Business

21 351. Ocean King is without knowledge or information sufficient to form a belief as to the
22 truth of the allegations contained in Paragraph 351 of the SAC and on this basis denies the
23 allegations.

24 352. Ocean King is without knowledge or information sufficient to form a belief as to the
25 truth of the allegations contained in Paragraph 352 of the SAC and on this basis denies the
26 allegations.

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1 353. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 353 of the SAC and on this basis denies the
3 allegations.

4 354. Ocean King is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained in Paragraph 354 of the SAC and on this basis denies the
6 allegations.

7 355. Ocean King is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 355 of the SAC and on this basis denies the
9 allegations.

10 356. Ocean King is without knowledge or information sufficient to form a belief as to the
11 truth of the allegations contained in Paragraph 356 of the SAC and on this basis denies the
12 allegations.

13 357. Ocean King is without knowledge or information sufficient to form a belief as to the
14 truth of the allegations contained in Paragraph 357 of the SAC and on this basis denies the
15 allegations.

16 358. Ocean King denies the allegations contained in Paragraph 358 of the SAC insofar as it
17 alleges the existence of a cartel. Ocean King is without knowledge or information sufficient to form a
18 belief as to the truth of the remaining allegations contained in Paragraph 358 of the SAC and on this
19 basis denies the allegations.

20 359. Ocean King is without knowledge or information sufficient to form a belief as to the
21 truth of the allegations contained in Paragraph 359 of the SAC and on this basis denies the
22 allegations.

23 360. Ocean King is without knowledge or information sufficient to form a belief as to the
24 truth of the allegations contained in Paragraph 360 of the SAC and on this basis denies the
25 allegations.

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2. Other Buyers Have Also Been Threatened By Defendants About Breaking Ranks On Price And Have Been Punished For Doing So

a. Early-January 2023: Nor-Cal And Unnamed Co-Conspirator #1 Dropped The Ex Vessel Prices They Were Offering After Being Warned By Defendants To Toe The Line

361. Ocean King denies the allegations contained in Paragraph 361 of the SAC insofar as it alleges that it threatened Nor-Cal. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 361 of the SAC and on this basis denies the allegations.

362. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 362 of the SAC and on this basis denies the allegations.

b. Mid-January 2023: Pacific Seafood Flooded With Sell-Side Markets Of Non-Compliant Buyers With Cheap Crabs

363. Ocean King denies the allegations in Paragraph 363 of the SAC.

364. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 364 of the SAC and on this basis denies the allegations.

365. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 365 of the SAC and on this basis denies the allegations.

c. Late-December 2023: Pacific Seafood Sent Buyers, Including Non-Cartel Members, A Warning About Paying Over The Ex Vessel Price Set By It

366. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 366 of the SAC and on this basis denies the allegations.

367. Ocean King denies the allegations contained in Paragraph 367 of the SAC insofar as it alleges the existence of a cartel that set a “dock price.” Ocean King is without knowledge or

information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 367 of the SAC and on this basis denies the allegations.

d. Pacific Seafood Uses Its Dominance In Other Areas Of Seafood To Enforce Compliance With The Cartel's Dungeness Crab Pricing Dictates

368. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 368 of the SAC and on this basis denies the allegations.

369. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 369 of the SAC and on this basis denies the allegations.

3. As A Result, When Defendants And Other Buyers Pay Ex Vessel Prices Above The "Fixed Price" They Seek To Hide That Fact, Which Doesn't Make Economic Sense Absent A Price-Fixing Agreement

370. Ocean King denies the allegations in Paragraph 370 of the SAC.

371. Ocean King denies the allegations in Paragraph 371 of the SAC.

372. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 372 of the SAC and on this basis denies the allegations.

373. Ocean King denies the allegations in Paragraph 373 of the SAC.

374. Ocean King denies the allegations in Paragraph 374 of the SAC.

375. Ocean King denies the allegations in Paragraph 375 of the SAC.

376. Ocean King denies the allegations in Paragraph 376 of the SAC.

377. Ocean King denies the allegations contained in Paragraph 377 of the SAC insofar as it alleges the existence of a fixed ex vessel price. Ocean King is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 377 of the SAC and on this basis denies the allegations.

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1 378. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 378 of the SAC and on this basis denies the
3 allegations.

4 379. Ocean King is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained in Paragraph 379 of the SAC and on this basis denies the
6 allegations.

7 380. Ocean King is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 380 of the SAC and on this basis denies the
9 allegations.

10 381. Ocean King is without knowledge or information sufficient to form a belief as to the
11 truth of the allegations contained in Paragraph 381 of the SAC and on this basis denies the
12 allegations.

13 382. Ocean King is without knowledge or information sufficient to form a belief as to the
14 truth of the allegations contained in Paragraph 382 of the SAC and on this basis denies the
15 allegations.

16 383. Ocean King is without knowledge or information sufficient to form a belief as to the
17 truth of the allegations contained in Paragraph 383 of the SAC and on this basis denies the
18 allegations.

19 384. Ocean King denies the allegations in Paragraph 384 of the SAC.

20 385. Ocean King is without knowledge or information sufficient to form a belief as to the
21 truth of the allegations contained in Paragraph 385 of the SAC and on this basis denies the
22 allegations.

23 386. Ocean King denies the allegations contained in Paragraph 386 of the SAC insofar as it
24 alleges the existence of an “agreed-upon cartel opening price.” Ocean King is without knowledge or
25 information sufficient to form a belief as to the truth of the remaining allegations contained in
26 Paragraph 386 of the SAC and on this basis denies the allegations.

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1 387. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 387 of the SAC and on this basis denies the
3 allegations.

4 388. Ocean King is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained in Paragraph 388 of the SAC and on this basis denies the
6 allegations.

7 389. Ocean King denies the allegations in Paragraph 389 of the SAC.

8 390. Ocean King is without knowledge or information sufficient to form a belief as to the
9 truth of the allegations contained in Paragraph 390 of the SAC and on this basis denies the
10 allegations.

11 391. Ocean King denies the allegations in Paragraph 391 of the SAC.

12 392. Ocean King denies the allegations in Paragraph 392 of the SAC.

13 393. Ocean King is without knowledge or information sufficient to form a belief as to the
14 truth of the allegations contained in Paragraph 393 of the SAC and on this basis denies the
15 allegations.

16 394. Ocean King is without knowledge or information sufficient to form a belief as to the
17 truth of the allegations contained in Paragraph 394 of the SAC and on this basis denies the
18 allegations.

19 395. Ocean King is without knowledge or information sufficient to form a belief as to the
20 truth of the allegations contained in Paragraph 395 of the SAC and on this basis denies the
21 allegations.

22 **G. In Order To Defend Their Cartel Pricing, Defendants Threaten And Punish**
23 **Crabbers Who Sell Crab Ex Vessel For Prices Higher Than The Cartel Price**

24 396. Ocean King denies the allegations in Paragraph 396 of the SAC.

25 397. Ocean King denies the allegations in Paragraph 397 of the SAC.

26 398. Ocean King denies the allegations in Paragraph 398 of the SAC.

27 399. Ocean King denies the allegations in Paragraph 399 of the SAC.

1 1. Pacific Seafood

2 400. Ocean King admits that the season for Dungeness crab is only open for certain months
3 of the year and admits that this is the case with other fisheries as well. Ocean King is without
4 knowledge or information sufficient to form a belief as to the truth of the remaining allegations
5 contained in Paragraph 400 of the SAC and on this basis denies the allegations.

6 401. Ocean King denies the allegations contained in Paragraph 401 of the SAC insofar as it
7 alleges the existence of a cartel or the setting of an “artificially low price.” Ocean King is without
8 knowledge or information sufficient to form a belief as to the truth of the remaining allegations
9 contained in Paragraph 401 of the SAC and on this basis denies the allegations.

10 402. Ocean King denies the allegations contained in Paragraph 402 of the SAC insofar as it
11 alleges the existence of a cartel or the setting of a fixed opening price. Ocean King is without
12 knowledge or information sufficient to form a belief as to the truth of the remaining allegations
13 contained in Paragraph 402 of the SAC and on this basis denies the allegations.

14 403. Ocean King denies the allegations in Paragraph 403 of the SAC.

15 404. Ocean King is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations contained in Paragraph 404 of the SAC and on this basis denies the
17 allegations.

18 2. Hallmark

19 405. Ocean King is without knowledge or information sufficient to form a belief as to the
20 truth of the allegations contained in Paragraph 405 of the SAC and on this basis denies the
21 allegations.

22 406. Ocean King denies the allegations contained in Paragraph 406 of the SAC insofar as it
23 alleges the existence of a cartel. Ocean King is without knowledge or information sufficient to form a
24 belief as to the truth of the remaining allegations contained in Paragraph 406 of the SAC and on this
25 basis denies the allegations.

26 407. Ocean King is without knowledge or information sufficient to form a belief as to the
27 truth of the allegations contained in Paragraph 407 of the SAC and on this basis denies the
28 allegations.

1 408. Ocean King is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 408 of the SAC and on this basis denies the
3 allegations.

4 409. Ocean King denies the allegations contained in Paragraph 409 of the SAC insofar as it
5 alleges the existence of a cartel or “artificially low” prices. Ocean King is without knowledge or
6 information sufficient to form a belief as to the truth of the remaining allegations contained in
7 Paragraph 409 of the SAC and on this basis denies the allegations.

8 410. Ocean King is without knowledge or information sufficient to form a belief as to the
9 truth of the allegations contained in Paragraph 410 of the SAC and on this basis denies the
10 allegations.

11 411. Ocean King is without knowledge or information sufficient to form a belief as to the
12 truth of the allegations contained in Paragraph 411 of the SAC and on this basis denies the
13 allegations.

14 412. Ocean King denies the allegations contained in Paragraph 412 of the SAC insofar as it
15 alleges the existence of a “cartel-set ex vessel price.” Ocean King is without knowledge or
16 information sufficient to form a belief as to the truth of the remaining allegations contained in
17 Paragraph 412 of the SAC and on this basis denies the allegations.

18 413. Ocean King is without knowledge or information sufficient to form a belief as to the
19 truth of the allegations contained in Paragraph 413 of the SAC and on this basis denies the
20 allegations.

21 3. Ocean Gold

22 414. Ocean King is without knowledge or information sufficient to form a belief as to the
23 truth of the allegations contained in Paragraph 414 of the SAC and on this basis denies the
24 allegations.

25 415. Ocean King is without knowledge or information sufficient to form a belief as to the
26 truth of the allegations contained in Paragraph 415 of the SAC and on this basis denies the
27 allegations.
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III. BUYERS WHO ARE NOT PART OF THE CARTEL, NONETHELESS, GENERALLY OBEY ITS PRICING DICTATES IN ORDER TO AVOID RETALIATORY ACTIONS BY DEFENDANTS

416. Ocean King denies the allegations in Paragraph 416 of the SAC.

417. Ocean King denies the allegations in Paragraph 417 of the SAC.

418. Ocean King denies the allegations in Paragraph 418 of the SAC.

419. Ocean King denies the allegations in Paragraph 419 of the SAC.

ANTITRUST INJURY

420. Ocean King denies the allegations in Paragraph 420 of the SAC and all of its subparts.

421. Ocean King denies the allegations in Paragraph 421 of the SAC.

422. Ocean King denies the allegations in Paragraph 422 of the SAC.

423. Ocean King denies the allegations in Paragraph 423 of the SAC.

424. Ocean King denies the allegations in Paragraph 424 of the SAC.

CLASS ACTION ALLEGATIONS

425. Ocean King states that the allegations in Paragraph 425 of the SAC are legal conclusions to which no response is required. To the extent a response is required, Ocean King denies the allegations in Paragraph 425 and denies that a class should be certified.

426. Ocean King states that the allegations in Paragraph 426 of the SAC are legal conclusions to which no response is required. To the extent a response is required, Ocean King denies the allegations in Paragraph 426 and denies that a class should be certified.

427. Ocean King states that the allegations in Paragraph 427 of the SAC are legal conclusions to which no response is required. To the extent a response is required, Ocean King denies the allegations in Paragraph 427 and denies that a class should be certified.

428. Ocean King states that the allegations in Paragraph 428 of the SAC are legal conclusions to which no response is required. To the extent a response is required, Ocean King denies the allegations in Paragraph 428 and denies that a class should be certified.

429. Ocean King denies the allegations in Paragraph 429 of the SAC and denies that a class should be certified.

1 430. Ocean King states that the allegations in Paragraph 430 of the SAC are legal
2 conclusions to which no response is required. To the extent a response is required, Ocean King denies
3 the allegations in Paragraph 430 and denies that a class should be certified.

4 431. Ocean King states that the allegations in Paragraph 431 of the SAC are legal
5 conclusions to which no response is required. To the extent a response is required, Ocean King denies
6 the allegations in Paragraph 431 and denies that a class should be certified.

7 432. Ocean King states that the allegations in Paragraph 432 of the SAC are legal
8 conclusions to which no response is required. To the extent a response is required, Ocean King denies
9 the allegations in Paragraph 432 and denies that a class should be certified.

10 433. Ocean King states that the allegations in Paragraph 433 of the SAC are legal
11 conclusions to which no response is required. To the extent a response is required, Ocean King denies
12 the allegations in Paragraph 433 and denies that a class should be certified.

13 434. Ocean King states that the allegations in Paragraph 434 of the SAC are legal
14 conclusions to which no response is required. To the extent a response is required, Ocean King denies
15 the allegations in Paragraph 434 and denies that a class should be certified.

16 435. Ocean King states that the allegations in Paragraph 435 of the SAC are legal
17 conclusions to which no response is required. To the extent a response is required, Ocean King denies
18 the allegations in Paragraph 435 and denies that a class should be certified.

19 **DELAYED DISCOVERY/FRAUDULENT CONCEALMENT**

20 436. Ocean King denies the allegations in Paragraph 436 of the SAC.

21 437. Ocean King denies the allegations in Paragraph 437 of the SAC.

22 438. Ocean King denies the allegations in Paragraph 438 of the SAC.

23 439. Ocean King denies the allegations in Paragraph 439 of the SAC.

24 440. Ocean King denies the allegations in Paragraph 440 of the SAC.

25 441. Ocean King denies the allegations in Paragraph 441 of the SAC.

26 442. Ocean King denies the allegations in Paragraph 442 of the SAC.

CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

**Unlawful Agreements in Restraint of Trade in Violation of Section 1 of the Sherman Act,
15 U.S.C. §1
(Against All Defendants on Behalf of Plaintiffs and the Sherman Act Class)**

443. Ocean King realleges and incorporates by reference its responses to all prior Paragraphs as if fully set forth herein.

444. Ocean King denies the allegations in Paragraph 444 of the SAC.

445. Ocean King denies the allegations in Paragraph 445 of the SAC.

446. Ocean King denies the allegations in Paragraph 446 of the SAC.

447. Ocean King denies the allegations in Paragraph 447 of the SAC.

448. Ocean King denies the allegations in Paragraph 448 of the SAC and all of its subparts.

449. Ocean King denies the allegations in Paragraph 449 of the SAC.

450. Ocean King denies the allegations in Paragraph 450 of the SAC.

451. Ocean King denies the allegations in Paragraph 451 of the SAC.

452. Ocean King denies the allegations in Paragraph 452 of the SAC.

SECOND CAUSE OF ACTION

**Combination in Restraint of Trade in Violation of the California Cartwright Act, Cal. Bus. And
Prof. Code Sections 16720, *et seq.*
(Against All Defendants on Behalf of Plaintiffs and the California Class)**

453. Ocean King realleges and incorporates by reference its responses to all prior Paragraphs as if fully set forth herein.

454. Ocean King denies the allegations in Paragraph 454 of the SAC.

455. Ocean King denies the allegations in Paragraph 455 of the SAC.

456. Ocean King denies the allegations in Paragraph 456 of the SAC.

457. Ocean King denies the allegations in Paragraph 457 of the SAC.

458. Ocean King denies the allegations in Paragraph 458 of the SAC.

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THIRD CAUSE OF ACTION

**Violation of the California Unfair Competition Law, Cal. Bus. And Prof. Code §17200, *et seq.*
(Against All Defendants on Behalf of Plaintiff Little and the California Class)**

459. Ocean King realleges and incorporates by reference its responses to all prior Paragraphs as if fully set forth herein.

460. Ocean King denies the allegations in Paragraph 460 of the SAC.

461. Ocean King denies the allegations in Paragraph 461 of the SAC and all its subparts.

462. Ocean King denies the allegations in Paragraph 462 of the SAC.

463. Ocean King denies the allegations in Paragraph 463 of the SAC.

464. Ocean King denies the allegations in Paragraph 464 of the SAC.

FOURTH CAUSE OF ACTION

**For Declaratory Relief Under 28 U.S.C. §2201
(Against All Defendants on Behalf of Plaintiff and All Classes)**

465. Ocean King realleges and incorporates by reference its responses to all prior Paragraphs as if fully set forth herein.

466. Ocean King denies the allegations contained in Paragraph 466 of the SAC.

PRAYER FOR RELIEF

DEMAND FOR JURY TRIAL

Ocean King denies that the Plaintiffs are entitled to class certification of any class, damages of any kind, injunctive relief, a declaratory judgment, costs of suit, attorneys' fees, or any other relief at all.

ADDITIONAL AND SEPARATE DEFENSES

Pursuant to Rule 8(c) of the Federal Rules of Civil Procedure, Defendant hereby sets forth the following separate and/or affirmative defenses.

**FIRST DEFENSE
(Failure to State a Claim)**

One or more of the causes of action set forth in the SAC is barred, in whole or in part, because the SAC fails to allege facts sufficient to support a claim upon which relief may be granted against Answering Defendant.

SECOND DEFENSE
(Lack of Standing)

Plaintiffs' claims in the SAC are barred, in whole or in part, because Plaintiffs did not sell Dungeness crab ex vessel to Answering Defendant within the limitations period.

THIRD DEFENSE
(State Action Doctrine)

Plaintiffs' claims in the SAC are barred, in whole or in part, by immunity granted directly by state law or by the state action doctrine (*see Parker v. Brown*, 317 U.S. 341 (1943)).

FOURTH DEFENSE
(First Amendment/Noerr-Pennington Doctrine)

Plaintiffs' claims in the SAC are barred to the extent they challenge Answering Defendant's exercise of rights protected by the First Amendment and/or by the *Noerr-Pennington* doctrine.

FIFTH DEFENSE
(Statute(s) of Limitations)

Plaintiffs' claims in the SAC are barred, in whole or in part, by the applicable statute of limitations.

SIXTH DEFENSE
(Justified Conduct/Privilege)

Plaintiffs' claims in the SAC are barred, in whole or in part, because Answering Defendant's challenged conduct was lawful, fair, non-deceptive, expressly authorized by law, justified, privileged, and pro-competitive.

SEVENTH DEFENSE
(No Actual Injury)

Plaintiffs' claims in the SAC are barred, in whole or in part, due to Plaintiffs' lack of actual injury.

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EIGHTH DEFENSE
(No Causation)

No act or omission of Answering Defendant was a substantial factor in bringing about the damages alleged, nor was any act or omission of Answering Defendant a contributing cause of any alleged damages. Plaintiffs did not sell Dungeness crab ex vessel to Answering Defendant within the limitations period, and therefore did not sustain any injury as a result of Answering Defendant's conduct as alleged in the SAC.

NINTH DEFENSE
(Independent/Superseding Cause)

Plaintiffs' claims are barred, in whole or in part, because the damages alleged in the SAC, if any exist, resulted in whole or in part from independent and/or superseding causes not attributable to Answering Defendant.

TENTH DEFENSE
(No Damages)

Plaintiffs' claims in the SAC are barred, in whole or in part, due to Plaintiffs' lack of damages.

ELEVENTH DEFENSE
(Speculative Damages)

Plaintiffs' claims in the SAC are barred, in whole or in part, because Plaintiffs' alleged damages are speculative.

TWELFTH DEFENSE
(Failure to Mitigate)

Plaintiffs failed to take reasonable steps to mitigate, alter, reduce, or otherwise diminish their alleged damages, if any, and accordingly, are barred from recovery of any damages that might have been prevented by such mitigation.

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THIRTEENTH DEFENSE
(Failure to Allege Fraud with Particularity)

Plaintiffs' claims in the SAC are barred because Plaintiffs failed to allege fraud or fraudulent concealment with the requisite particularity, as required by FRCP Rule 9(b). Plaintiffs have not adequately pled that Answering Defendant mislead them or that Plaintiffs had neither actual nor constructive knowledge of the facts giving rise to their alleged claims despite exercising diligence.

FOURTEENTH DEFENSE
(Laches, Waiver, and/or Estoppel)

Plaintiffs' claims in the SAC are barred, in whole or in part, by the doctrines of laches, waiver, and/or estoppel.

FIFTEENTH DEFENSE
(Assumption of Risk)

Plaintiffs' claims in the SAC are barred, in whole or in part, but the fact that they assumed the risk to the extent that their claims are based on the allegation that they chose to remain in port rather than exercising their option to fish an open ticket.

SIXTEENTH DEFENSE
(Unclean Hands)

Plaintiffs' claims in the SAC are barred, in whole or in part, by the doctrine of unclean hands to the extent that Plaintiffs engaged in fraud, willful misconduct, and/or illegal conduct related to the subject matters of their claims, including violations of antitrust or unfair competition laws.

SEVENTEENTH DEFENSE
(Set Off)

Plaintiffs' claims in the SAC are barred, in whole or in part, by Answering Defendants' right to set off any amounts paid by any other Defendant or alleged co-conspirator who settles Plaintiffs' claims in this case.

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EIGHTEENTH DEFENSE
(Reservation of Rights)

Answering Defendant has insufficient knowledge and/or information on which to form a belief as to whether it may have additional, as yet unstated, defenses available in this action. Answering Defendant therefore reserves the right to assert additional defenses in the event discovery indicates that they may be appropriate.

PRAYER FOR RELIEF

WHEREFORE, Defendant request that the Court:

1. Deny all of the claims for relief requested in Plaintiffs' SAC as to Answering Defendant; and
2. Enter an Order pursuant to which Plaintiffs takes nothing for the claims they have asserted in this action as to Answering Defendant

DATED: June 12, 2025

Respectfully submitted,

PUTTERMAN | YU | WANG LLP

By: /s/ Philip J. Wang

Philip J. Wang
Attorneys for Defendant
OCEAN KING FISH, INC.